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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 21st MEETING (FIRST PART)*

Held at the Palais des Nations, Geneva,
on Monday, 15 February 1993, at 3 p.m.

Chairman: Mr. BROTODININGRAT (Indonesia)

later: Mr. ENNACEUR (Tunisia)

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* The summary record of the second part of the meeting appears as document E/CN.4/1993/SR.21/Add.1.

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The meeting was called to order at 3.15 p.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/1993/15 and 77; E/CN.4/1992/9; E/CN.4/Sub.2/1992/16)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1993/16; E/CN.4/1993/NGO/3; E/CN.4/1990/9/Rev.1)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 17) (continued) (E/CN.4/1993/69; E/C.12/1988/1; CCPR/C/2/Rev.3)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 18) (continued) (A/47/628)

1. Mr. KESSEL (Canada) said that the question of the effective functioning of treaty bodies had taken on new importance once most of the major gaps in the codification of international human rights standards had been filled. The future task of the Commission would be to secure the widest possible adherence to the human rights treaties and to ensure that the obligations undertaken were indeed respected.

2. Effective monitoring by responsible bodies was crucial in that regard but only five out of the seven existing treaty-monitoring bodies were being financed from the regular budget of the United Nations. The cost of attending meetings for the members of the Committee on the Elimination of Racial Discrimination and all the costs incurred by the Committee against Torture were borne exclusively by the States parties to the respective Conventions, a situation which threatened the viability of those important organs.

3. His delegation had accordingly introduced a resolution at the forty-seventh session of the General Assembly, which had been adopted without a vote, requesting the Secretary-General to take the appropriate measures to provide for the financing of those two bodies and of the biennial meetings of persons chairing human rights treaty bodies, from the regular budget of the Organization, as from the 1994-1995 biennium. As a follow-up to that resolution, it would introduce a draft resolution at the Commission's current session encouraging early implementation of those measures.

4. His delegation was also pleased to note some of the suggestions made at the most recent meeting of persons chairing human rights treaty bodies, particularly with regard to the role of those bodies in preventing human rights violations, an essential element of an effective early warning system to help preserve international peace and security. In that connection, it noted with interest the Secretary-General's proposal that ways be explored for the Secretary-General himself and expert human rights bodies to bring information and recommendations regarding serious situations affecting human

rights to the attention of the Security Council. He looked forward to discussions with other delegations on how those suggestions might be incorporated in a Commission resolution.

5. Mrs. GALVIS (Colombia) said that the adoption of the two International Covenants on Human Rights in 1966 had marked the transition from an abstract concept of freedom and democracy to one in which individual citizens were treated as subjects of civil and political rights, as real participants in the management of the community's affairs and as beings entitled to economic, social and cultural conditions which would enable them fully to exercise their freedom. That new approach was clearly set forth in the preamble to the Covenant on Economic, Social and Cultural Rights.

6. There had, however, been a certain tendency to disregard the interdependence of the two Covenants, with a consequent prejudice to the advance of both political and social democracy. While interdependence did not mean that some rights were subordinate to others in a relation of cause and effect, societies which experienced economic, social and cultural imbalances found it more difficult to overcome the obstacles to the implementation of civil and political rights.

7. Her country's history showed that, in the nineteenth century, while Europe was concentrating on industrialization, Colombia was adopting most liberal provisions in the matter of civil and political rights, and the Constitution of 1853 had incorporated all the fundamental rights and freedoms of the individual. Colombia had continued on that path ever since, and discussion was currently under way on how further to develop the criterion of the interdependence of rights as it appeared in the 1991 Constitution. Colombia had also been in the forefront of international strategic planning to combat extreme poverty, which had culminated in the 1989 Cartagena Conference.

8. International action to implement the right to development must be aimed at strengthening national economies and achieving equitable international trade relations, so that the developing countries could enjoy access to markets for their exports.

9. In fact, the exports of the developing countries were in a state of alarming decline, due to the continuance of protectionist policies whose adverse consequences were evident in the living conditions of their peoples. The fact that the prices of those exports on the international markets had reached the lowest level in history did not help either. To reverse that trend, investment in human development was an urgent priority.

10. For its part, the Commission should continue to devote consideration to the obstacles to implementation of the right to development, in particular by pursuing the studies on the problem of extreme poverty and on the various manifestations of the right to own property.

11. Mr. ELZAKI (Sudan) said that the Secretary-General's report on the realization of the right to development (E/CN.4/1993/16) provided the basis for a constructive debate on the whole relationship between development and human rights. As the report showed, there was a need to stress once again the plight of the least developed countries and the responsibility of the

international community to assist them in overcoming obstacles to development. Unfortunately, total commitment to that objective was still a long way off.

12. His delegation agreed with the statement in paragraph 9 of the report that participation was at the heart of the right to development, but participation could take many forms and it should not be restricted in its definition. The reaffirmation in paragraph 12 of the right of peoples freely to choose their own path to political, social and economic development was also welcome.

13. There was no doubt that the main obstacles to implementation of the right to development were external indebtedness, lack of resources and of technology transfer, discriminatory trade practices and restrictions on immigration. A much greater international effort was needed to overcome those obstacles by assisting the developing countries to build up their infrastructures. In Sudan's case, the Government was endeavouring through a comprehensive national strategy to achieve a balance between political and social rights against a very difficult background of instability and conflict, not to mention the problems caused by natural disasters. That policy was firmly anchored in the principle of the integral development of the individual.

14. The efforts of the developing countries to restructure their economies did not always meet with an appropriate response from the industrialized countries, and an intensification of the North-South dialogue was needed. In the context of the Commission's work, he hoped that a resolution on the right to development would be adopted at the current session and that the item under consideration would be included in the agenda for its next session.

15. Mr. HELLER (Mexico) said that the Secretary-General's report on realization of the right to development (E/CN.4/1993/16) stressed the interdependence, indivisibility and universality of the two International Covenants on Human Rights. It was to be hoped that the dialogue of the deaf on the link between the two sets of human rights was finished. The issue was not a matter of merely theoretical or abstract import, but related to specific national situations which deserved the attention of the United Nations and which arose from the historical and socio-economic background of those countries.

16. The right to development was not to be regarded as a subsidiary right, but as the most rational way of establishing the conditions of lasting stability which would lay the groundwork for the development of democratic institutions, observance of human rights and economic and social well-being.

17. As the Secretary-General had noted in his report, the gap between North and South was widening, due to a variety of factors, including protectionist policies, indebtedness, the lack of technology transfer and restrictive immigration policies. Those external obstacles did not exempt States from adopting specific and coherent policies aimed at promoting the right to development through free choice and popular participation.

18. The campaign against extreme poverty should be a priority of the international community, since the spread of that problem in many parts of the world was undermining the enjoyment of human rights, civil and political

rights as well as economic, social and cultural ones. The recent trend towards democratization ran the risk of becoming an historical aberration if it were not underpinned by a resolute effort to meet the basic needs of the populations of the countries concerned. Programmes at the national level must be supported by international cooperation.

19. Mexico had modernized all aspects of its economy over the previous four years. In conjunction with other Latin American countries, it was committed to a radical programme of economic integration whose effect would be to improve the living conditions of the people. Priority had been given to combating poverty through the national solidarity programme, the crucial element in social policy: its primary focus was on participation by individuals and communities in projects relating to education, health, infrastructure and social development, and it provided technical assistance and two thirds of the resources required to implement projects.

20. It was essential that the Centre for Human Rights be provided with adequate infrastructural and human resources and that it should devote greater efforts to the study of problems affecting the practical implementation of social and cultural rights. His delegation also supported the proposal that a high-level inter-governmental mechanism should be established to assess the progress made and obstacles encountered in realizing the right to development. In addition, there should be greater coordination between the competent United Nations bodies and the Commission should assume the leading role in the discussion on development and human rights, thus bringing together two spheres of activity that had traditionally been separate.

21. Mr. PEREZ NOVOA (Cuba) said that, although development was one of the most legitimate aspirations of the underdeveloped countries, the results achieved by their efforts over the last 20 years to narrow the gap separating them from the developed countries had been negative. That gap was caused by the exploitation and plundering of resources they had endured under colonial domination and exacerbated by an unjust international economic order and the vertiginous pace of technological progress. The situation was such that the underdeveloped countries had had to be subdivided to accommodate a new subcategory of least-developed countries, the number of which was actually increasing.

22. Unfortunately, some of the developed countries had not paid their historical debt to their underdeveloped counterparts. On the contrary, their protectionist policies, the low prices of commodities, and the limited transfer of technology had contributed to strengthening to what had been termed "the development of underdevelopment". Societies throughout the third world were being undermined by the pernicious effects of those policies.

23. There was no political will to help those peoples escape underdevelopment, but rather a desire to prevent them, through such economic and commercial policies, from exercising their right to development. It was difficult to comprehend how certain developed countries, particularly the United States of America, could justify imposing social systems which had not yet shown any positive results or acting as defenders of human rights, while violating the right of peoples to development and seeking to avoid any mention of that important human right in international documents and conferences.

24. That the Latin America countries attached overriding importance to the right to development could be seen from the Final Declaration of their Regional Meeting in connection with the World Conference on Human Rights, which emphasized that the right to development was an inalienable human right and that the international community must take measures as soon as possible for the realization of that right through appropriate mechanisms which took account of it in a healthy and ecologically balanced environment.

25. It was regrettable that the Secretary General's report on concrete proposals for the effective implementation and promotion of the Declaration on the Right to Development (E/CN.4/1993/16), did not clearly indicate the political responsibility for the non-implementation of that right. As for the question of coordination, to which the report referred, the various organizations of the United Nations system should make use of the Declaration as a basic instrument when preparing their programmes. For its part, the Commission should draw upon the proposals in the report to define activities in the area. In that connection, his delegation supported the proposed establishment of a permanent working group of non-governmental experts with equitable geographic representation to examine aspects related to the implementation of the Declaration.

26. His Government was in favour of building a truly just and reasonable world in which every human being enjoyed the right to a worthwhile existence. For 35 years, the Cuban people had fought to create a society of equals, in which the dignity of the individual and the indivisibility of all human rights were respected. Its ongoing struggle to overcome the colonial heritage and to promote development had met with numerous obstacles, arising not only from unjust international economic relations, but also from the iniquitous economic blockade imposed by successive United States administrations, and tightened by the latest one, in their desire to frustrate Cuba's economic and social revolution and curtail the Cuban people's sovereignty and independence.

27. Despite all those obstacles, Cubans would continue to advance along the road to further social progress and economic, scientific and technical and cultural development, determined to defend at all costs their rights as a free and sovereign people.

28. Mr. MORLAND (United Kingdom) said that although an impressive number of States had ratified the International Covenants on Human Rights, there were some that were not yet parties and his delegation urged them to become so. However, some States allegedly paid scant notice to their reporting obligations and, much more important, to their substantive obligations under the Covenant. The International Covenant on Civil and Political Rights obliged the signatory States to ensure that all individuals within their territory, without distinction, enjoyed the rights recognized in the Covenant. Under the International Covenant on Economic, Social and Cultural Rights, each State party undertook to the maximum of its available resources to give practical effect to the rights set out in that instrument. Those were specific duties and it was not sufficient for States to sign up and do little more.

29. Another source of criticism concerned the somewhat complicated and not always effective operation of the seven treaty-monitoring bodies. The system undoubtedly had its weaknesses. Some stemmed from the lack of effort on the part of States themselves, such as failure to submit periodic reports for

examination. Another problem was that of the insufficient resources to back up the independent experts on those bodies. The inquiries made by the monitoring bodies sometimes overlapped.

30. The excellent 1989 report by Mr. Alston made a number of practical recommendations on the reporting obligations of States parties, monitoring of State compliance with the obligations assumed and more effective standard-setting principles. Practical reform proposals had also been put forward by the Chairmen of the treaty-monitoring bodies themselves. On the basis of those proposals, the forthcoming World Conference on Human Rights must make effective progress, in the interests of all, towards better implementation of the existing human rights standards and instruments.

31. The Centre for Human Rights and a number of individual committees had already demonstrated that improvements could be made. The Committee on the Elimination of Racial Discrimination, confronted with the problem of long overdue reports from some States parties, had decided to proceed with the examination of those countries' reports based on whatever information was available. The Committee on Economic, Social and Cultural Rights had followed suit and the Chairmen of the treaty-monitoring bodies had suggested that all those bodies should list States parties whose reports were overdue and consider adopting specific decisions identifying States whose reporting record was especially unsatisfactory.

32. His delegation commended the action of the Human Rights Committee in carrying out at short notice an examination of the authorities of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) on their special reports on human rights in the territory of the former Yugoslavia. The Committee had thus again demonstrated its ability to adapt to the most pressing human rights needs, an example that should inspire other practical reform proposals.

33. Mrs. SHABHARWAL (India) said that her delegation welcomed the recommendation in the report of the Special Rapporteur, on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16) that a mechanism be established to formulate criteria to assess progress in the realization of the right to development, make proposals for a global strategy to achieve progress in the enjoyment of that right, examine obstacles to its enjoyment and identify activities and policies which might be incompatible with the right to development.

34. Democracy would cease to be meaningful if it could not meet the vast needs of the peoples for food, shelter, health, literacy and employment. The World Conference on Human Rights should thus emphasize that development must be at the centre of global concern if there was genuine interest in promoting human rights everywhere. Development, which was inseparable from human rights and the rule of law, required both the recognition that all human rights were indivisible and multilateral cooperation and assistance to implement the programmes of the developing countries.

35. Her delegation called for a shared vision and a common commitment on the part of all countries and peoples to achieving an equal opportunity to prosper and to benefit from the tremendous strides in technology. Equality of opportunity for development was as much a prerogative of nations as of individuals and those seeking to enforce civil and political rights everywhere

had a corresponding duty to assist those countries and peoples whose right to food, shelter and education was not being realized. There was little point in punishing countries lacking the economic prerequisites for ensuring the enjoyment of civil and political rights if the rich were not prepared to improve the economic environment, provide the requisite financial resources and ensure access to markets, thus creating the conditions for development.

36. The Declaration on the Right to Development was one of the most important United Nations initiatives towards standard-setting, because it provided legal recognition for that right. It was high time, therefore, that the international community moved forward from statements of intent and took concrete action on codification.

37. While not a substitute for efforts at the national level, international action played an essential role in complementing such efforts. It was time to abandon the myth that the implementation of the civil and political rights of individuals would automatically ensure fulfilment of their economic and social rights. History showed that realization of the right to development was essential for national stability and for international peace and security.

38. Mr. DRZEWICKI (Poland) said that the implementation of economic, social and cultural rights - the right to development - was just as important as that of civil and political rights. His delegation thus welcomed the recommendation of the Global Consultation on the Right to Development as a Human Right that the question be placed on the agendas of the respective committees of the Economic and Social Council and the General Assembly, thereby ensuring that the subject was discussed in other than the traditional human rights forum. It had supported the proposal to convene a World Summit for Social Development in 1995 and thought that consideration should be given to ways of involving the social partners in the achievement of the Summit's objectives.

39. As for the impact of economic adjustment policies and foreign debt on the enjoyment of human rights, his delegation had noted the commendable efforts made by the various United Nations bodies to ensure that structural adjustment programmes and programmes of transfer to market economies had safety nets. That policy, which had often been overlooked in the past by international economic and financial agencies, should be further strengthened.

40. His delegation supported recommendations to consider further the question of the right of everyone to own property alone as well as in association with others. Studies should focus not only on regular updates, but also on giving proper attention to various aspects of that right. His delegation disagreed, for example, with the conclusion in paragraph 479 of the report of the independent Expert (E/CN.4/1993/15) that the right to individual private property did not constitute a universal human right. Moreover, the right to property of legal persons and other corporate entities as well as other aspects of collective property were seldom challenged. Greater emphasis should also be placed upon the relationship of the right to property to other human rights, particularly such political and civil rights as freedom of expression, religion, association and assembly and the rights of minorities.

41. With regard to the International Covenants on Human Rights, his delegation thought that the Commission should request the Secretary-General to broaden the contents of reports on the status of the Covenants to include

assessments of emerging trends and obstacles to accession to those and other human rights instruments, particularly when they demanded vigorous promotion. References to the growing number of States parties was deceptive, since that could be largely attributed to the recent proliferation of new States. The Commission should appeal to all new States to confirm their recognition of any pre-existing legal obligations and to ratify or accede to all human rights treaties. The advisory services should be linked more dynamically to the need to create a framework for domestic action to promote accession to the Covenants and should give greater attention to identifying obstacles thereto.

42. His delegation agreed with the meeting of persons chairing the treaty-monitoring bodies that, owing to the alarming extent of reservations to the various treaties, the admissibility of some of them should be challenged. The treaty body concerned should seek, through the appropriate machinery, an advisory opinion from the International Court of Justice. Periodic review of reservations and derogations should retain its due place in reports on the status of human rights treaties and in the Commission's debates.

43. The problem of excessively overdue reports had become a matter of increasing concern. It was unacceptable that failure to report should result in the State party concerned being immune from supervision, while those that had reported were subjected to close scrutiny. The measures initiated by the treaty-making bodies to counteract such practices must be endorsed and strengthened without delay. His delegation supported the Australian proposal to structure national reports on a thematic basis, rather than article by article and the proposal of the Chairpersons that the supervision of new potential human rights treaty obligations should be entrusted to one or another of the existing bodies. The feasibility of merging treaty bodies should also be examined.

44. Mr. NANJIRA (Kenya) said that, to prevent the new world order from disintegrating into disorder, greater stress must be laid on equitable development and the exercise of economic, social and cultural rights, rather than retaining the traditional focus on civil and political rights. Special rapporteurs should be given greater scope and more balanced mandates to enable them to report not only on civil and political rights being violated in developing countries but also on the efforts being made there to promote the full enjoyment of all human rights, including the right to development.

45. His delegation would like to see a broader investigation of the relationship between human rights and many other factors such as poverty, environmental degradation, the debt burden, structural adjustment policies, income distribution, the low level of official development assistance, and the impact of natural disasters. His delegation agreed with the Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16, para. 36) as to the need for a holistic and coherent interpretation of all human rights because perceptions of human rights were governed by the background of each individual and each society.

46. His delegation also agreed with the Special Rapporteur concerning the adverse consequences for the economies of the developing nations of the structural adjustment policies and programmes of the Bretton Woods institutions. The longer the adjustment process continued, the heavier the debt burden and the worse the poverty of the developing nations became. The

right of peoples to health, education, shelter, employment, clothing, food and a sound environment should henceforth take precedence over debt repayment and structural adjustment.

47. The plight of the African continent could not be remedied by structural adjustment alone and a massive inward - not outward - flow of resources was needed. The deteriorating economic situation of the developing world was largely due to external factors beyond the control of the countries concerned such as protectionist policies, unfair trade terms, natural disasters and the fall in commodity prices.

48. The world had enough resources to provide every human being with a decent life. More innovative strategies and a continuing dialogue would ensure full enjoyment of the right to development and other human rights. Developed countries must, however, abandon attempts to impose alien principles and models of society on the developing world.

49. Mr. KEREM (Observer for Israel) said that his delegation strongly believed in the basic right of all people to development but felt that the underlying issue was how development could best be promoted to enable people to secure that right for themselves. The International Covenant on Economic, Social and Cultural Rights and the Declaration on the Right to Development both called upon States to help the less fortunate through individual efforts and international cooperation, and the provision of such assistance had been a major strand of Israel's foreign policy since the first decade of its reborn existence.

50. Despite the geographical and geopolitical constraints it faced and its lack of natural resources, Israel had itself successfully overcome poverty, colonialism and foreign rule and had transformed a poor agricultural economy into a developed industrial and service economy, with one of the highest standards of living in the world. In 1958, it had established its overseas development cooperation programme, which had since trained many thousands of people from many countries. Through the provision of appropriate technology and know-how, the programme had made a practical contribution to helping people to enjoy the right to participate in social and economic development. It had also provided assistance in areas such as health, education and rural development, which were essential to the full realization of civil and political rights.

51. To improve the quality of life of the world's poor, fundamental advances were needed in the food-crop sector and in rural development, since, in low-income countries, the rural population represented at least 65 per cent of the total. Assistance to break the vicious cycle of poverty and overpopulation could best be given through the design at subregional and community levels of facilities tailored to local conditions to improve access to production resources, know-how and credit.

52. The role of women in the development process was also essential. Israel's own experience in that field was being passed on through the training of many women from grass-roots communities in developing countries. There was a growing demand for women to work in senior positions and their potential as managers of production resources and as business leaders was equal to that of men.

53. A further valuable contribution could be made by interdisciplinary action programmes at the subregional level, combining judicious public intervention with a strong element of local decision-making and community participation. In that connection, leadership training was of the utmost importance and should be regarded as an essential tool for the propagation of ideas, rather than as a threat. In addition to technology transfer, Israel's programme had always attached great importance to cooperative and labour organization, as a way of improving individual living standards while protecting group rights.

54. Lastly, in an increasingly interdependent world, it was regrettable that the relevant legal instruments asserting the right to development failed to make any mention of the attendant obligations not least the responsibility to ensure that future generations would also be able to enjoy the fruits of the planet.

55. Mr. FLINTERMAN (Netherlands) said that economic, social and cultural rights had been a contentious issue during the ideological divisions of the cold war and it was only in 1977 that the world community had underlined the indivisibility of all human rights. That position had been echoed in many later resolutions and declarations but economic, social and cultural rights were still often felt to be no more than lofty aspirations contingent on a country's level of economic development. It was high time, therefore, that those rights were properly recognized and seen as entailing legal obligation for States.

56. The Committee on Economic, Social and Cultural Rights was engaged in vital work to safeguard the rights in question and his delegation welcomed its recent decision to send missions to Panama and the Dominican Republic to investigate violations of the right to adequate housing. It also endorsed the Committee's important decision to examine the record of States parties that had failed to honour their reporting obligation, and supported the proposal to introduce an individual petition procedure by means of an optional protocol, to the International Covenant on Economic, Social and Cultural Rights.

57. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had, in recent years, paid considerable attention to the issue of realization of economic, social and cultural rights, particularly through the work of its Special Rapporteur on the subject. His final report (E/CN.4/Sub.2/1992/16) contained a number of highly relevant recommendations, including the need to encourage the Bretton Woods institutions to incorporate human rights criteria into their work, addressing social concerns, the urgent need to reduce growing disparities in income distribution, and the question of developing social and economic indicators. The Sub-Commission had also initiated studies and reports on various other important topics, including the right to adequate housing, the human rights dimension of population transfers, and the question of forced evictions.

58. With regard to the report by the independent Expert on the right of everyone to own property alone as well as in association with others (E/CN.4/1993/15), he noted that, in many States, property was a key element of the legal order and of the economy and that taking away someone's property denied him his means of livelihood and impaired his integrity and dignity. Nevertheless, the right to property was subject to many qualifications and a

balance had to be struck between the interests of individuals and those of society. He would thus have welcomed greater emphasis in the report on State initiatives to promote the interests of society and combat abuse of property, rather than on the limitations imposed on the action of States.

59. Whatever their role in promoting the interests of society, States should not be entitled to expropriate property on inadequate grounds or without providing adequate security and compensation. There were many examples of such actions, several of which he mentioned. Indigenous peoples were particularly vulnerable in that regard, since they often owned unregistered ancestral land and were ill-equipped to deal with external interference. At the same time, their relationship with the land was crucial to their well-being and dignity, as well as to their livelihood.

60. His delegation thought that the report was a useful starting point and hoped that the independent Expert would continue his work, devoting greater attention to the relation between the right to property and the right to housing, the interests of indigenous peoples, decisions and case-law, the positive impact of property protection on development and the question of discrimination against women.

61. Mr. SENTURIAS (World Alliance of Reformed Churches) said that he wished to focus attention on the adverse effects of structural adjustment and foreign debt on the realization of economic, social and cultural rights, with particular reference to the situation in the Philippines. The debt burden of the developing countries was a major drain on their resources and the structural adjustment policies imposed by the Bretton Wood institutions ignored the root causes of the problem and merely served to weaken their economies.

62. In the Philippines, foreign debt stood at $29 billion and the Government was allocating 40 per cent of the national budget to debt repayments. To cover the growing budget deficit, higher taxes had had to be imposed and social services slashed, while prices continued to rise. That was unacceptable in a country where 70 per cent of the population was already below the poverty line. The Government's policy of sustainable development was nothing more than the implementation of IMF structural adjustment prescriptions, involving the freezing of already low wages, growing unemployment and massive dismissals of Government employees.

63. "Sustainable development" also involved huge development projects planned with total disregard for their environmental impact and the displacement of indigenous communities. Massive military operations were used to remove communities from their ancestral lands in areas earmarked for mining or logging operations or the construction of dams and reservoirs.

64. He thus viewed with deep concern the Government's plans to expand the military budget and increase the number of paramilitary forces. Despite its calls for "people empowerment", the Government had, by its policies, further weakened the economy and increased the gap between rich and poor, while the land reform programme had not been fully implemented. However, President Ramos had decided to take legal action against the Westinghouse

company for the fraudulent means it had used to obtain a contract for a nuclear power plant. The Government's pursuit of the peace process with the National Democratic Front and other armed opposition groups was also a positive development which, he hoped, would lead to a just and lasting peace.

65. Ms. FAUCHERE (World Confederation of Labour) said that the turbulent events in Central and Eastern Europe had plunged millions of workers into social insecurity and unemployment. The collapse of communism had made it possible to proclaim the triumph of capitalism as the sole viable economic model, with trade unions tolerated only as intermediaries transmitting management directives. Her organization had frequently condemned that situation, which had widened the gap between North and South and helped polarize society as a whole, thus jeopardizing the right to development of all human beings.

66. With the growing internationalization of the economy and the disappearance of economic frontiers, transnational groups had concentrated their activities in those places with the fewest regulations, and social benefits were increasingly under attack, changes in social legislation and labour law being made in the name of unavoidable economic imperatives. Unrestricted international trade placed the countries of the South at the mercy of politico-financial decisions taken in the North.

67. The IMF adjustment programmes and the "advice" of the World Bank were vehicles of the international economic power of the richest countries, particularly the United States. The "structural adjustments" imposed on States resulted in the utter impoverishment of the most vulnerable sectors of the population, while guaranteeing the wealth and privileges of the elites.

68. Those policies had given rise almost everywhere to serious violations of economic, social and cultural rights, particularly in the form of non-respect for international labour standards. Privatization policies invariably resulted in massive lay-offs, reduction in wages and hazardous working conditions. Women, in particular, were frequently subjected to unacceptable recruitment conditions.

69. The result had been an intolerable increase in poverty, a high rate of delinquency, and such inhuman practices as the sale of organs, child prostitution and the sale of children. In the absence of effective social policies and an equitable international order, the right to development would continue to be subject to violations. The Commission should therefore endorse the plan of action proposed by the Secretary-General in his report (E/CN.4/1993/16), particularly in paragraphs 47 to 51.

70. Mr. Ennaceur (Tunisia) took the Chair.

71. Mr. IBARRA (International Indian Treaty Council) said that the right of peoples to self-determination was a prerequisite for the effective realization of the right to development. The development model imposed on Indian communities, peoples and nations had disrupted the means of cultivation and production that had formerly made their subsistence possible. Furthermore, some governmental development projects had not respected the rights of those peoples to their ancestral lands and places of worship. In most cases, the

views of the indigenous peoples were disregarded in the planning, administration and evaluation of development plans and projects.

72. At the United Nations Conference on Environment and Development (UNCED), the conditions required for the development of the Indian peoples had been fully demonstrated, namely, recognition of their territories, respect for their socio-cultural characteristics and recognition of their practices, which respected the land and the environment. Many of those people were not even legally recognized, however, and some were victims of genocide. There were three basic requisites for the exercise of their right to development, namely, internal autonomy, recovery of their stolen lands, and effective participation in the development programmes and plans that affected them. Those requirements were all set forth in one way or another in the draft universal declaration on indigenous peoples.

73. In conclusion, he suggested that the Commission should adopt a resolution setting up an annual working party on development. The membership of the working group should be based on regional representation and its meetings should be open to all interested parties.

74. Mr. RETUREAU (World Federation of Trade Unions) said that some people asserted that the International Covenant on Economic, Social and Cultural Rights was too ambitious. Such an attitude would reject all human rights standards on the grounds that their aim was too high. Human rights were indivisible and interdependent and to limit some would reduce the value of all.

75. Despite all the structural adjustments and neo-liberal policies, the structural crisis in the world economy continued. Structural factors would hinder economic growth for decades to come if States persisted in adopting a policy of transnational capitalism and listening to the advocates of neo-liberalism. A casino economy had developed in Eastern Europe following the politico-economic collapse of the countries concerned, instead of mechanical application of so-called market laws resulting in the overnight transformation of a centrally planned economy into a capitalist market economy. Countries that had had recourse to structural adjustment and macro-economic monetary policies had succeeded in reducing their budgetary deficits and inflation, at the cost of weakening their means of economic intervention considerably. If there was no recovery, those provisional comparative advantages would not be very helpful. As a general rule, adjustment policies had made the rich richer and the poor poorer.

76. All countries had been seriously affected by the increase in unemployment, caused by the use of technologies intended to marginalize the human factor in production. More than 70 per cent of new jobs in the industrialized countries were atypical while, in the developing countries, the population took refuge in what the specialists called the informal sector, i.e. a day-to-day survival strategy.

77. Debt continued to be used as an instrument for imposing adjustment policies and the developing countries had become net exporters of capital. Debt should be the subject of a global moratorium and give way to a genuine sustainable development policy formulated in cooperation with those concerned.

Mention should also be made of the unilateral blockade measures imposed by the United States on Cuba and Viet Nam, in violation of the right to development of the peoples of those countries.

78. Financial institutions and transnational corporations had benefited from deregulation and were thriving on economic anarchy, social dumping and cut-throat competition among workers. Acquired social and economic rights were under siege and being eliminated wherever possible. Enterprises transferred their factories to countries where such rights were weakest and Governments helped them by providing special economic areas in which the right to work and trade union freedoms were not recognized. Everything possible was being done to hamstring trade unions and exploit workers. In some countries, repression and even murder were used, others had more sophisticated methods at their disposal.

79. The effective implementation of social, economic and cultural rights could not be separated from popular participation. Without democracy, people could not choose the means of achieving their development. Monetarist policies and structural adjustments were, however, imposed without democratic consultation.

80. The growth of poverty could no longer be regarded as beneficial for development. The Secretary-General's report (E/CN.4/1993/16) contained suggestions which the Commission should use as a basis for preparing its resolutions. Particularly worthy of notice were paragraphs 47 to 51 which called upon the International Monetary Fund to take account of social concerns as a matter of priority. All institutions involved in economic and financial cooperation and development aid programmes, whatever their origin, should also give priority to social concerns.

81. Ms. de VLAMING (World University Service) said that her organization would soon publish its second report on academic freedom and the right to education. That book would include extensive descriptions of repression occurring in the educational sector and the academic community in a number of countries.

82. In Burma, the State Law and Order Restoration Council had remodelled the educational system and had closed most higher educational institutions. Many students and academics had been arrested or had fled the country. The authorities maintained absolute control over all aspects of education.

83. In Lebanon, schools and university buildings had either been destroyed or seized by military factions. Budgetary cuts had led to a situation where the constitutional right to free education could no longer be guaranteed, while university autonomy was seriously undermined.

84. The school system in Malawi was characterized by regional and linguistic discrimination and censorship. State interference in academic life was covert and exercised through the imprisonment and expulsion of academic staff and students and the banning of publications.

85. In Palestine, the closure of universities and other educational institutions were among the activities committed in the name of security by the Israeli military authorities. Other restrictions included illegal taxes on educational equipment and censorship of books and periodicals from the Arab world.

86. In Paraguay, the heritage of the former regime, with its total control over the educational system, was still hindering efforts to improve the level of education.

87. In Sudan, educational institutions were required to espouse the regime's fundamentalist ideology. Academics and students had been dismissed, arrested, tortured or killed for failure to comply with the requirements of the Islamization of school and university curricula.

88. The continuing civil war in Sri Lanka had had an impact on the implementation of the right to education and affected the human rights of academics and students. New emergency regulations banned political meetings and demonstrations at schools and campuses, and opponents of government measures to restrict university autonomy were intimidated, attacked or arrested.

89. The monarchy dominated every aspect of life in Swaziland, and dissident opinions and free political debate were rare if not non-existent. Students had borne the brunt of State repression.

90. Her organization had helped prepare the text of a new declaration on academic freedom aimed at protecting the higher educational sector. It would be presented to the forthcoming World Conference on Human Rights. She requested the Commission to take note of the declaration and recommend its endorsement by the World Conference.

91. Mr. PARY (Indian Council of South America) said that the debt phenomenon was directly reflected in the continuation of the colonial process initiated in 1492 and the neo-colonial domination strategy followed by the rich countries. External debt was a machinery used by the world capitalist system to transfer wealth from the poor countries to the rich and powerful. Those countries' indebtedness had doubled in the period 1981-1991.

92. In the case of Indo-America or Latin America as it was called, the situation was becoming increasingly tragic. Debt-servicing conditions were worsening with every passing year, causing a situation of extreme poverty, particularly for the indigenous populations. The debt machinery had created a vicious circle since the indebted countries were unable to make the interest payments and therefore had to request further loans from their creditors, which, in the final analysis, only increased their indebtedness. Debt was a natural offspring of economic dependency and political subordination, a factor which caused the social and cultural backwardness of peoples and nations.

93. Mention must also be made of the plundering of the natural wealth of the developing countries by the transnational corporations. There was, more than ever, a need to elaborate an international framework to regulate the activities of those corporations and to end the illegal transfer of the resources of the poor to the rich and the international speculation race.

94. Children were particularly affected by the impoverishment of third world countries. According to a UNICEF report, 500,000 children died every year in the third world as a direct result of the debt policy. On the Indo-American continent, one child died every minute from illness or hunger while 100 million were living on the streets.

95. The Western former colonialist countries had a moral obligation to assume their historical and political responsibility and make reparations for the considerable damage they had done to the ancestral territories of the indigenous peoples.

The summary record of the second part of the meeting appears as document E/CN.4/1993/SR.21/Add.1.